

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NOEL SPENCER,

Plaintiff,

- v -

DELTA MACHINERY, INC., et al.,

Defendants.
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DECISION AND ORDER

CV-03-4698 (FB)(VVP)

By letter dated June 14, 2005, the defendants have addressed various matters concerning the plaintiff's vocational rehabilitation expert. The letter does not, however, seek specific intervention by the court, but rather merely catalogues various deficiencies and irregularities in the factual bases for the expert's report, and suggests that there are "any number of ways to address this issue." Without a specific application for judicial intervention, the court is unable to act. In any event, to the extent the letter was intended to be an application for judicial intervention, the defendants' communication was not made in compliance with the court's specific instructions concerning any applications to the court which were detailed in the order entered January 19, 2005 in this litigation. Accordingly, the court declines to take any action concerning the June 14, 2005 letter. (This does not constitute, and should not be construed to be, a ruling concerning the admissibility of any expert's testimony at trial, any such ruling being the within the province of the trial judge.)

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
July 4, 2005